

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, December 15, 2003, 7:00 p.m.

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The Catawba County Board of Commissioners met in regular session on Monday, December 15, 2003, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Hunsucker led in the Pledge of Allegiance to the Flag.
3. Invocation offered by Commissioner Barger.
4. Commissioner Hunsucker made a motion to approve the minutes from the regular session of Monday, December 1, 2003. The motion carried unanimously.
5. Recognition of Special Guests.

Chair Barnes recognized Jerry McCombs, President, NAACP, Catawba County Chapter.

6. Public Comment for items not on the agenda. None.
7. Public hearing:
 - a. CDBG second public hearing for Future Forward Grant funds.

1. Ms. Sherry Long, Western Piedmont Council of Governments (WPCOG) said the first public hearing was held on August 4, 2003, and a pre application was submitted. The NC Department of Commerce awarded a CDBG Economic Development Grant (#03-P-1166) contingent on the County holding a second public hearing. She said the grant in the amount of \$180,000 was for the Future Forward Program. A local match is not required. The grant will be combined with a future Federal EDA Grant to undertake a \$450,000 Economic Development Program. The budget ordinance for the project will be submitted to the Board of Commissioners the early part of 2004. The WPCOG prepared the grant application on behalf of the region to assist with economic recovery efforts and strategies and the WPCOG is applying for \$250,000 in grants from the Federal EDA to match the project. The program covers 12 counties and they will be working to have a certified site in each county. Catawba County is fortunate as it already has several certified sites. The WPCOG will identify potential mega sites region wide and create an Economic Development Authority to oversee pre-development sites as well as assembly and development of targeted sites. Market research will assist with expansion and new business opportunities. A Brownfield Site Survey will be conducted to identify and quantify abandoned industrial sites and prepare adaptive re-use strategies. Facilitating Future Forward Economic Alliance Activities will also provide organizational and administrative function on a regional basis for the purpose of promoting economic development strategies and projects.

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

Commissioner Barger made a motion to accept the grant and authorize Chair Barnes to sign all documents pertaining to the grant on behalf of Catawba County. The motion carried unanimously.

8. Appointments. No appointments were made.

9. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

a. Resolution setting location of February 2, 2004, regularly scheduled meeting.

RESOLUTION NO. 2003-49
Setting Location of February 2, 2004, Board Meeting

WHEREAS, on November 3, 2003, the Catawba County Board of Commissioners approved its meeting calendar for 2004; and

WHEREAS, the Board plans to hold several meetings in various areas around the County through 2004.

NOW, THEREFORE, BE IT RESOLVED that the Catawba County Board of Commissioners will hold its February 2, 2004, regularly scheduled meeting at Mt. Pleasant United Methodist Church, Christian Life Center, 4136 Mount Pleasant Road, Sherrills Ford, North Carolina.

This the 15th day of December, 2003.

/s/ Katherine W. Barnes, Chair
County Board of Catawba Commissioners

b. Juvenile Crime Prevention Council (JCPC) allocation of funds.

The State of North Carolina, Department of Juvenile Justice and Delinquency Prevention, allocated additional Juvenile Crime Prevention funds for this fiscal year in the amount of \$7,502. The Catawba County Juvenile Crime Prevention Council (JCPC) met and made the following recommendations to disburse these additional funds:

JCPC Administrative Expenses additional - \$402
Project Challenge additional - \$1,000
Savvy Ladies & Wise Guys, Council on Adolescents - \$1,100
Individual/Family Counseling through the Family Guidance Center - \$5,000

The Finance and Personnel Subcommittee recommended that the Board of Commissioners approve a request from JCPC for allocated additional funds from the Department of Juvenile Justice and Delinquency Prevention in the amount of \$7,502.

c. Deed of Easement to Everett Chevrolet, Inc. to improve drainage system.

Everett Chevrolet, Inc. owns property along Hwy. 70 in Hickory, immediately adjacent to property owned by Catawba County where the Family Guidance Center is located. A drainage pipe ran across the corner of the county's property in such a way that erosion was occurring on Everett Chevrolet's property and was working its way toward the county's property. Everett proposed redirecting the pipe to run parallel to Hwy. 70, which would correct the problem. A Deed of Easement is necessary to facilitate this. As compensation for the easement, the County negotiated \$2,000 worth of landscaping which Everett will be responsible for placing along the property lines. The Policy and Public Works Subcommittee recommended that the Board of Commissioners approve a Deed of Easement and authorize Chair Barnes to sign on behalf of Catawba County.

d. Approval of Amended WPCOG Charter and Bylaws.

The Western Piedmont Council of Governments (WPCOG) Policy Board voted to pursue designation as an Economic Development District and in order to apply the WPCOG must revise its charter and bylaws. The Policy Board unanimously approved the revision with the addition of a statement that the appointed delegates serve a two-year term renewable at the Policy Board's discretion. The WPCOG will receive \$52,000 annually for economic development planning after it receives the Economic Development District designation. Any local government in its jurisdiction that receives EDA funding

will match 40/60 rather than 50/50. The Policy and Public Works Subcommittee recommended that the Board of Commissioners approve a request from the Western Piedmont Council of Governments (WPCOG) for adoption of the WPCOG's amended charter and bylaws in order for the Policy Board to pursue designation as an Economic Development District. The proposed revision of the WPCOG charter and bylaws adds 20 percent (seven additional members) non-elected and minority representatives.

Commissioner Lail made a motion to approve the consent agenda. The motion carried unanimously.

End Consent

10. Departmental Reports:

a. Public Health Department:

1. Bioterrorism Budget Revision.

Public Health Director Barry A. Blick said disease surveillance has been a longstanding responsibility of Public Health. With the success of Public Health and modern medicine and near or complete eradication of certain diseases, resources for disease surveillance and detection have dwindled to minimal levels. Bioterrorism has brought renewed focus to the need for resources to improve the Public Health Infrastructure to ensure early detection and immediate response to disease, whether man-made or naturally occurring. Because of competing priorities, disease surveillance has become passive with reliance on inconsistent reporters and most public health staff has very little knowledge of communicable diseases and disease surveillance.

Bioterrorism has quickly thrust to the forefront Public Health's role in disease monitoring and accountability to protect the public from disease and all the while the infrastructure we rely on has been neglected. Improved relationships and coordination with hospitals, emergency services, local law enforcement, and other medical providers have become a requirement not a luxury. The creation of the Public Health Regional Surveillance Teams (PHRST) is a step in the right direction in training and coordination but cannot replace the need for each local Public Health Department to develop "in house" resources to prepare for and respond to Bioterrorism threats.

Currently, the Catawba County Health Department is utilizing a variety of staff to work toward rebuilding public health disease surveillance infrastructure and preparing for threats to the community. Bioterrorism/Disease Surveillance Plan (BT Plan) development and maintenance, BT Plan staff training, planning and implementation of BT Plan exercises to test plan efficacy, risk communications plan development and maintenance as well as coordination of the CCHD Epidemiological Team (EPI Team - Multidisciplinary team specially trained and prepared to respond to disease surveillance reports and events) are primary capabilities needed by a local health department. Furthermore, researching and establishing enhanced disease monitoring and surveillance systems are other important tasks required to prepare the public health workforce to respond. Other efforts include but are not limited to implementation of active surveillance computer software and technology; response to environmental health threats; and lab capability to process and analyze specimens. Appropriate and well-timed communication with the medical community about emerging diseases in the county, region, state, and nation is essential. Developing resource capabilities when the resources have been exceeded (such as, coordination of Strategic National Stockpile and Memoranda of Understanding with health departments in this region and developing a local medical staff registry) will be necessary during crisis situations.

Coordination of preparedness and response training and education of public health staff are needed to ensure staff competencies are achieved. In addition, Incident Command System (ICS) training of Public Health staff is essential to understand the organizational structure used by first responder agencies and adapt to this structure in an emergency in order to avoid chaotic workflow and to ensure communication among all agencies.

Credibility is an important component of Public Health Practice. The Health Department must ensure that accurate, timely information is provided to its partners and the public in order to expect and gain cooperation from them. These considerable functions require the establishment of a Bioterrorism/EPI Coordinator to be charged with the responsibility of

rebuilding disease surveillance infrastructure and ensuring the health department is prepared to respond to biological threats to the community. This leadership role will enable the Health Department to develop competence and expertise to protect the citizens' health and well-being.

Mr. Blick said the Finance and Personnel Subcommittee recommended that the Board of Commissioners accept \$101,204 in additional Bioterrorism funds to provide for the establishment of a Bioterrorism/EPI Coordinator, all supporting costs of materials and supplies required to ensure public health preparedness.

All counties did not receive a grant and there was a formula used with several variables such as land, risk, etc.

Total Sal/Fringes	\$56,332
Travel	\$2,000
Education	\$12,308
Educational Supplies	\$6,000
Marketing/Advertising	\$6,000
Other Misc. Operating Supplies	\$500
Dues/Subscriptions	\$500
Printing/Binding	\$8,000
Telephone	\$600
Minor DP Equip.	\$3,000
Small Tools	\$4,000
Miscellaneous	<u>\$2,000</u>
	\$101,240

After a brief discussion, Commissioner Beatty made a motion to accept funds in the amount of \$101,240 for bioterrorism. The motion carried unanimously.

b. Finance Department:

1. Hickory Public Schools - Improvements.

Finance Director Rodney N. Miller said Hickory Public Schools has funds in the current budget for canopy projects at Southwest and Long View Elementary Schools in the amount of \$89,165, as well as \$75,000 leftover from the Northview Middle School project earmarked for a canopy project at Northview, for a total of \$164,165. With these projects ready to move forward, it was prudent to add a similar canopy project needed at Oakwood Elementary. Bids were received on all four projects in the amount of \$236,674, which included an alternate bid of \$200 for office area renovations at Long View and 3 percent for architects fees and contingency. The difference of \$72,509 (\$236,674-\$164,165) is the remaining amount needed to fund all four projects. The Finance and Personnel Subcommittee at its December 8 meeting recommended that the bid for the Jenkins School project scheduled to be opened on Tuesday, December 9 be included with this request. Three bids were received, but the low bid was very low. Hickory Public Schools staff asked the bidder to re-visit the numbers to make sure there were no mathematical errors. The bidders could not respond until December 12. However the bids turn out, all three bidders stated that they could not start the project until after the new year, meaning no work would be done during the school break. Because of this, Hickory Public Schools decided to postpone the decision on the bid until the first of January and not request the transfer for this project until then. There is approximately \$750,000 in unspent interest in the 1997 Bond Fund, with over \$700,000 allocated to Hickory Public Schools. The Finance & Personnel Subcommittee recommended that the Board of Commissioners appropriate \$72,509 in interest from the 1997 Bond Fund to fund four projects for Hickory Public Schools in the Schools Capital Project Fund.

427-780050-995420	Transfer to Schools Capital	\$72,509
427-780050-680300	Interest on Investments	\$72,509

420-750050-695427	Trfr from 97 School Bond Fund	\$72,509
420-750100-32150-3-12-865300	Canopy Projects for various sites	\$72,509

Commissioner Barger made a motion to approve the aforementioned appropriation to Hickory Public Schools. The motion carried unanimously.

2. Comprehensive Annual Financial Report for FY 2003.

Finance Director Rodney N. Miller said all local governments in North Carolina are required to have an independent, annual audit. Martin Starnes and Associates is Catawba County's Auditor and Mr. Miller introduced Mr. Bryan Starnes, partner with the firm.

Mr. Starnes gave a brief overview of the audit results. He commended the Finance Department staff. The auditors made two recommendations to strengthen internal controls and operating efficiency. 1) Register of Deeds have nine employees with one cash drawer and County staff will review the current practice and implement necessary changes to improve internal controls. 2) The auditor found computer rights were not deleted for terminated employees or employees that transfer within the organization and staff will discuss with the Information Technology Director and prepare a standard operating procedure for eliminating and/or evaluating computer access. He said as of June 30, 2003, the unreserved fund balance was \$20,108,900 and there was an increase in the fund balance for 2003 of \$691,528. The unreserved fund balance is 15.3% of the general fund expenditures. He said the County is in strong financial condition.

Finance Director Rodney N. Miller distributed an overview of the audit to the Board Members and offered copies to members of the media as well. Mr. Miller recognized Assistant Finance Director Jeanne Jarrett, Accounting Services Manager Kristy Deitz, and Internal Auditor Ken Maynor. He gave a detailed presentation of the year-end analysis.

After a brief discussion, Commissioner Lail made a motion to accept the audit. The motion carried unanimously.

3. Chair Barnes presented to Finance Director Rodney N. Miller and Finance Staff a Certificate of Achievement for Excellence in Financial Reporting.

11. Attorneys' Report. None.

12. Manager's Report. None.

13. Other items of business.

a. Closed Session.

County Manager J. Thomas Lundy requested that the Board hold a Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged in three cases:

1. Republic Services of North Carolina, LLC in Catawba County vs. Serving Constructing Sites, LLC, File Number 00 CVS 866.
2. Republic Services of North Carolina, LLC in Catawba County vs. Shawn R. Penwarden d/b/a Trash-It, File Number 02 CVS 1489.
3. Republic Services of North Carolina, LLC in Catawba County vs. MacLeod Construction, Inc., File Number 00 CVS 1541.

and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Mr. Lundy said he anticipated action after the closed session.

At 8:07 p.m., Commissioner Barger made a motion to recess into Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body

for the three aforementioned cases cited by County Manager Lundy; and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The motion carried unanimously.

At 8:30 p.m., Commissioner Beatty made a motion to return to Open Session. The motion carried unanimously.

County Attorney Robert Oren Eades asked the Board to consider approving Settlement Agreements dismissing three separate lawsuits. He said there were three separate instances where companies were violating Catawba County's Solid Waste Ordinance and three lawsuits were filed by GDS (Republic Waste) in 2000 and 2002. Catawba County was named a party in those lawsuits. The County has had injunctions against those three companies and they have not been violating the ordinance since the time the injunctions were in place. The three settlement agreements were predicated upon the assumption that the County has obtained its objective in the lawsuits and going forward at this point would not obtain any relief and the appropriate course of action would be to dismiss the actions before proceeding to trial. Following are the three lawsuits:

1. Republic Services of North Carolina, LLC in Catawba County vs. Serving Constructing Sites, LLC, File Number 00 CVS 866.
2. Republic Services of North Carolina, LLC in Catawba County vs. Shawn R. Penwarden d/b/a Trash-It, File Number 02 CVS 1489.
3. Republic Services of North Carolina, LLC in Catawba County vs. MacLeod Construction, Inc., File Number 00 CVS 1541.

Commissioner Lail made a motion to dismiss the three aforementioned lawsuits and recommended authorization for Chair Barnes to sign the settlement agreements on behalf of Catawba County. The motion carried unanimously.

b. Chair Barnes on behalf of the Board wished everyone a Happy Holliday.

14. Adjournment.

At 8:35 p.m. there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

Katherine W. Barnes
Chair, Board of Commissioners

Thelda B. Rhoney
County Clerk